

AMENDED IN SENATE JUNE 11, 2007

AMENDED IN ASSEMBLY MAY 10, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 18, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 568

Introduced by Assembly Member Karnette
(Coauthors: Assembly Members Ma and Saldana)
(Coauthor: Senator Lowenthal)

February 21, 2007

~~An act to add Article 4 (commencing with Section 6089) to Chapter 2 of Part 3 of Division 8 of the Harbors and Navigation Code, relating~~
An act to add Part 5 (commencing with Section 3960) to Division 6 of the Harbors and Navigation Code, relating to harbors and ports.

LEGISLATIVE COUNSEL'S DIGEST

AB 568, as amended, Karnette. Port Community Advisory Committee.

(1) Existing law regulates the operations of ports and harbors.

This bill would authorize a governing authority, after receiving a petition from a community organization, to establish a port community advisory committee (committee) to respond to specified actions and impacts on harbor area communities, including economic, environmental, public health, and public safety impacts. A committee would be composed of one representative from each community organization that petitions the governing authority for representation on the committee.

The bill would require a governing authority within 90 days of receiving a petition requesting the establishment of a committee, to determine whether to establish a committee, thereby creating a state-mandated local program.

The bill would authorize certain duties of a committee. The governing authority would be authorized to provide funds to support a committee's activities.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under existing law, a county or portion thereof, a city or portion thereof, or more than one city with or without a portion of the unincorporated territory of a county, the exterior boundary of which includes a harbor, may be formed into a harbor district for the improvement or development of the harbor. A district is governed by a board of harbor commissioners.~~

~~This bill would authorize a board of harbor commissioners to establish a port community advisory committee to respond to specified actions and impacts on harbor area communities. The committee may be composed of members from various community and other organizations.~~

~~The bill would authorize certain duties of the committee. The bill would authorize a board of harbor commissioners that establishes a committee to annually allocate funds from its general budget to support the committee, and to provide office space and office services.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) There are numerous ports in the State of California that
- 4 currently conduct several billions of dollars in annual domestic
- 5 and international business and whose sizes have reached thousands
- 6 of acres. Most ports border residential communities, civic centers,
- 7 commercial business districts, public transportation corridors,

1 public beaches, public parks, protected wetlands, or wildlife
2 preserves.

3 (b) Ports and their business activities cause significant and
4 disproportional environmental, public health, traffic congestion,
5 economic, and public safety impacts on bordering harbor
6 communities and neighboring cities.

7 (c) In 2001, the Port of Los Angeles Board of Harbor
8 Commissioners, supported by the Mayor of the City of Los
9 Angeles, voted to create the first port community advisory
10 committee in California.

11 (d) There are currently over 25 voting members representing
12 25 organizations on the Port of Los Angeles Community Advisory
13 Committee and nine subcommittees. The committee is composed
14 of 10 ex officio members and three ad hoc members. Ex officio
15 members include the Mayor of Los Angeles, a city council member,
16 a harbor planning commission member, a county supervisor,
17 Assembly Members, Senate Members, and congressional members.
18 Ad hoc members include representatives of the South Coast Air
19 Quality Management District, the State Air Resources Board, and
20 the California Environmental Protection Agency.

21 (e) Harbor communities in the Port of Los Angeles, Port of
22 Long Beach, Port of Oakland, Port of San Francisco, and Port of
23 San Diego have expressed their desire to establish a state law for
24 local port community advisory committees.

25 *SEC. 2. Part 5 (commencing with Section 3960) is added to*
26 *Division 6 of the Harbors and Navigation Code, to read:*

27
28 **PART 5. PORT COMMUNITY ADVISORY COMMITTEES**
29

30 3960. (a) *The Legislature finds and declares all of the*
31 *following:*

32 (1) *Port and harbor operations have effects that extend beyond*
33 *the boundaries of the cities, counties, cities and counties, special*
34 *districts, and other local agencies that own and operate the ports.*

35 (2) *These effects include, but are not limited to, air quality,*
36 *vehicle and rail traffic, movement of goods, supply of labor and*
37 *capital, public revenues and expenditures, and economic costs*
38 *and benefits.*

1 (3) *This part concerns issues of statewide concern and does not*
2 *relate to municipal affairs, as that term is used in Section 5 of*
3 *Article XI of the California Constitution.*

4 (b) *It is the intent of the Legislature that the provisions of this*
5 *part have statewide effect.*

6 3961. *For purposes of this part, the following definitions apply:*

7 (a) *“Committee” means a port community advisory committee.*

8 (b) *“Community organization” includes, but is not limited to,*
9 *an academic institution, environmental organization,*
10 *environmental justice organization, labor organization,*
11 *neighborhood council, public health organization, religious group,*
12 *residential group, senior citizen organization, public or private*
13 *school, or recreational sports team.*

14 (c) *“Governing authority” means the board or council that is*
15 *legally responsible for the operation of a port or harbor, whether*
16 *by statute or charter.*

17 (d) *“Port” means a port or harbor owned and operated by the*
18 *City of Long Beach, the City of Los Angeles, the City of Oakland,*
19 *the San Diego Unified Port District, or the City and County of San*
20 *Francisco.*

21 3962. (a) *Within 90 days of receiving a petition from a*
22 *community organization that requests the establishment of a*
23 *committee, a governing authority shall, in its discretion, determine*
24 *whether to establish a committee.*

25 (b) *If the governing authority determines not to establish a*
26 *committee, the governing authority shall not be required to*
27 *consider another substantially similar petition for one year after*
28 *that determination.*

29 (c) *If the governing authority determines to establish a*
30 *committee, the provisions of this part shall apply to the committee.*

31 3963. (a) *A committee shall be composed of one representative*
32 *from each community organization that petitions the governing*
33 *authority for representation on the committee.*

34 (b) *Each community organization may select one voting*
35 *representative and one alternate representative to be members of*
36 *the committee.*

37 (c) *The governing authority may appoint other persons,*
38 *including elected officials, to serve as nonvoting members of the*
39 *committee.*

1 3964. (a) *The committee may elect its officers from among its*
2 *voting members to chair and officiate at its meetings.*

3 (b) *The committee may establish subcommittees and special*
4 *task forces.*

5 3965. (a) *The committee's meetings are subject to the Ralph*
6 *M. Brown Act (Chapter 9 (commencing with Section 54950) of*
7 *Part 1 of Division 2 of Title 5 of the Government Code).*

8 (b) *The committee's records are subject to the California Public*
9 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
10 *Division 7 of Title 1 of the Government Code).*

11 3966. *The committee may do any of the following:*

12 (a) *Provide an open public forum to discuss proposed port*
13 *projects, reports, actions, and the effects of port operations on*
14 *harbor area communities.*

15 (b) *Assess the economic, environmental, public health, and*
16 *public safety effects on harbor area communities of local, regional,*
17 *state, federal, and international governmental agencies' rules,*
18 *regulations, laws, international treaties, and bond measures.*

19 (c) *Review past, present, and future state and federal*
20 *environmental documents.*

21 (d) *Review current and developing alternative technologies that*
22 *would benefit a port's business activities and help mitigate any*
23 *economic, environmental, public health, or public safety impacts.*

24 (e) *Promote public understanding of the effects of port*
25 *operations and port projects on harbor area communities by*
26 *holding conferences, conventions, training opportunities, public*
27 *hearings, and public meetings.*

28 (f) *Make recommendations to the governing authority regarding*
29 *any of the matters described in subdivisions (a) to (e), inclusive.*

30 (g) *Prepare an annual report to the governing authority and*
31 *the public that explains the committee's activities,*
32 *accomplishments, and recommendations, including information*
33 *about the committee's members and their participation.*

34 3967. *The governing authority and its staff are encouraged to*
35 *respond within 90 days of receiving the committee's*
36 *recommendations, requests, and inquiries. If the governing*
37 *authority or its staff determines that a longer period is needed,*
38 *the governing authority or its staff may set a date for responding.*

39 3968. *The governing authority may provide funds to support*
40 *the committee's activities, including, but not limited to, hiring staff,*

1 *hiring an environmental justice coordinator, providing office and*
2 *meeting space, providing communications services, providing*
3 *document duplication services, and providing technical assistance.*

4 *SEC. 3. No reimbursement is required by this act pursuant to*
5 *Section 6 of Article XIII B of the California Constitution because*
6 *a local agency or school district has the authority to levy service*
7 *charges, fees, or assessments sufficient to pay for the program or*
8 *level of service mandated by this act, within the meaning of Section*
9 *17556 of the Government Code.*

10 ~~SEC. 2. Article 4 (commencing with Section 6089) is added~~
11 ~~to Chapter 2 of Part 3 of Division 8 of the Harbors and Navigation~~
12 ~~Code, to read:~~

13
14 ~~Article 4. Port Community Advisory Committee~~
15

16 ~~6089. A board may establish a community advisory committee.~~
17 ~~For purposes of this article, "committee" means community~~
18 ~~advisory committee.~~

19 ~~6089.1. (a) A committee may be composed of members from~~
20 ~~community organizations, neighborhood councils, residential~~
21 ~~groups, senior citizen organizations, public health organizations,~~
22 ~~environmental organizations, environmental justice organizations,~~
23 ~~academic schools, religious groups, sports recreational teams, and~~
24 ~~labor organizations who petition to be members.~~

25 ~~(b) Each organization may elect one voting representative and~~
26 ~~one alternate to the committee.~~

27 ~~(c) Ex officio members or ad hoc members may include elected~~
28 ~~officials and designees of governmental agencies.~~

29 ~~6089.2. A committee may elect officers from the membership~~
30 ~~who will chair and officiate at the monthly meetings, and organize~~
31 ~~the committee's activities.~~

32 ~~6089.3. A committee may establish subcommittees, special~~
33 ~~task forces, or sponsor special events, as may be necessary, to~~
34 ~~support its activities and purposes.~~

35 ~~6089.4. A committee may do all of the following:~~

36 ~~(a) Provide an open public forum for discussion of port project~~
37 ~~proposals, reports, and actions, and of business activity impacts~~
38 ~~on harbor area communities, and make recommendations to the~~
39 ~~board.~~

1 ~~(b) Assess the environmental, public health, economic, and~~
2 ~~public safety impacts of city, county, regional, state, federal, and~~
3 ~~international governmental agencies' rules, regulations, laws,~~
4 ~~international treaties, and bond measures on California harbor and~~
5 ~~port communities, and make recommendations to the board.~~

6 ~~(c) Review past, present, and future environmental impact~~
7 ~~reports or statements, and environmental assessment documents~~
8 ~~in an open public forum in order to discuss community concerns;~~
9 ~~document inadequacies, project alternatives, and make mitigation~~
10 ~~recommendations to the board in accordance with federal and state~~
11 ~~law.~~

12 ~~(d) Review current and developing alternative technologies that~~
13 ~~would benefit a port's business activities and help mitigate any~~
14 ~~environmental, public health, economic, or public safety impacts;~~
15 ~~and make recommendations to the board.~~

16 ~~(e) Prepare an annual report of the committee's activities and~~
17 ~~accomplishments, and provide to the public a current membership~~
18 ~~list and status of participation.~~

19 ~~6089.5. The board and board staff are urged to respond to the~~
20 ~~committee's recommendations, requests, and inquiries within 90~~
21 ~~days of the submission or request. Recommendations, answers, or~~
22 ~~actions requiring more than 90 days may require the board or board~~
23 ~~staff to submit a date or a timeline for response, action, delivery,~~
24 ~~or completion.~~

25 ~~6089.6. Meetings of the committee shall be held pursuant to~~
26 ~~the Ralph M. Brown Act (Chapter 9 (commencing with Section~~
27 ~~54950) of Part 1 of Division 2 of Title 5 of the Government Code).~~
28 ~~The records of the committee shall be open to public inspection~~
29 ~~pursuant to the California Public Records Act (Chapter 3.5~~
30 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
31 ~~Government Code).~~

32 ~~6089.7. The board may allocate funds from its general budget~~
33 ~~to support the committee. Funds may be used to hire staff and an~~
34 ~~environmental justice program coordinator, and support the~~
35 ~~committee's activities.~~

36 ~~6089.8. The board may provide office space, meeting space,~~
37 ~~telephone services, document duplication services, technical~~
38 ~~assistance, and general support to the committee. The committee~~
39 ~~may sponsor conferences, conventions, training opportunities,~~
40 ~~public hearings, or meetings for the port regarding goods~~

- 1 movement, economic development, and environmental and public
- 2 health issues.

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